



**CITY PLAN COMMISSION MEETING
2ND FLOOR CITY COUNCIL CHAMBERS
JUNE 2, 2011
1:30 P.M.**

MINUTES

The City Plan Commission met at the above place and date.

The meeting was called to order at 1:30 p.m. Acting Chair Nance present and presiding and the following Commissioners answered roll call.

COMMISSIONERS PRESENT:

Commissioner De La Cruz
Commissioner Nance (Acting Chair)
Commissioner Wright
Commissioner Carreto
Commissioner Brandrup
Commissioner Vorba
Commissioner Landeros

COMMISSIONERS ABSENT:

Commissioner Vandivort
Commissioner Borden

AGENDA

Commissioner Brandrup read the rules into the record.

I. CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Plan Commission on any items that are not on the City Plan Commission Agenda and that are within the jurisdiction of the City Plan Commission. No action shall be taken.

None

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Mr. Philip Etiwe, Development Review Manager, read the revisions to the agenda into the record:

1. Item 2, delete;
2. Item 3, postpone two weeks;
3. Item 4, delete; and
19. Reconsideration

***ACTION:** Motion made by Commissioner Brandrup, seconded by Commissioner De La Cruz
AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS AMENDED.

Motion passed.

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II. CONSENT AGENDA

Extension Request to Submit Recording Maps:

1. **SUSU11-00038:** Borderland Village Unit One - Being all of Tracts 9C, 9D, 9D1 and Tract 10, Block 13, Upper Valley Survey, City of El Paso, El Paso County, Texas
- Location: North of Borderland Road and East of Westside Drive
- Property Owner: Jamas, L.P.
- Representative: CEA Group
- District: 1
- Staff Contact: Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

***ACTION:** Motion made by Commissioner De La Cruz, seconded by Commissioner Vorba **AND UNANIMOUSLY CARRIED TO APPROVE THE CONSENT AGENDA.**

Motion passed.

Mr. Etiwe noted a member of the public had signed up to speak on the matter.

MOTION:

Motion made by Commissioner De La Cruz **TO RECONSIDER.** Motion died for lack of a second.

Ms. Cuellar explained this is not a public hearing item. It is the decision of the Commissioners whether or not to allow public comment. Commissioners would have to make a motion to reconsider the matter before any discussion could take place.

MOTION:

Motion made by Commissioner De La Cruz **TO DENY PUBLIC COMMENT.** Motion died for lack of second.

Motion failed.

MOTION:

Motion made by Commissioner Landeros, seconded by Commissioner Carreto **AND UNANIMOUSLY CARRIED TO RECONSIDER.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed.

MOTION:

Motion made by Commissioner Landeros, seconded by Commissioner Carreto **AND UNANIMOUSLY CARRIED TO ALLOW PUBLIC COMMENT.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed.

Ms. Mary Francis Keisling, President, Save the Valley Neighborhood Association, read from a prepared statement regarding the history of the development. Save the Valley demands that the City not extend the Subdivision application, per the development history read by Ms. Keisling, and that the Development Agreement be revised to follow the Comprehensive Plan as called for in the original sale and per Council approval.

Mr. Smith, Planning Staff, noted the Representative was not present. Staff approves extending the request to submit recording maps.

FINAL MOTION:

Motion made by Commissioner De La Cruz, seconded by Commissioner Landeros **AND UNANIMOUSLY CARRIED TO APPROVE THE EXTENSION REQUEST TO SUBMIT RECORDING MAPS.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed.

III. REGULAR AGENDA - DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL:

Subdivision Applications:

Major Preliminary:

2. **SUSU11-00037:** Peyton Pass Commercial - Being a portion of C.D. Stewart Survey No. 319, El Paso County, Texas
Location: South of Eastlake Boulevard and East of Peyton Drive
Property Owner: Hunt Peyton Estates, LLC
Representative: Gray Jansing & Associates, Inc.
District: Eastern ETJ
Staff Contact: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov

***ACTION:** Motion made by Commissioner Brandrup, seconded by Commissioner De La Cruz **AND UNANIMOUSLY CARRIED TO DELETE ITEM 2.**

Motion passed.

Resubdivision Preliminary:

3. **SUSU11-00039:** North Desert Palms - Being a replat of all of Lots of Blocks 1, 2, and 3, Robert Todd Way, Lisa Anne Way, and Billy Joe Circle of Desertaire Estates, City of El Paso, El Paso County, Texas
Location: North of Sean Haggerty Drive and West of Dyer Street
Property Owner: Hacienda Development
Representative: CEA Group
District: 4
Staff Contact: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov

***ACTION:** Motion made by Commissioner Brandrup, seconded by Commissioner De La Cruz **AND UNANIMOUSLY CARRIED TO POSTPONE ITEM 3 FOR TWO WEEKS.**

Motion passed.

Major Combination:

4. **SUSU11-00030:** Emerald Pass Commercial Unit 1 - Being a portion of Section 22, Block 79, Township 3, Texas and Pacific Railway Company, El Paso County, Texas
- Location: South of Eastlake Boulevard and West of Emerald Park Drive
- Property Owners: Texas General Land Office & Hunt Communities Holdings, LLC
- Representative: Gray Jansing & Associates
- District: Eastern ETJ
- Staff Contact: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov

***ACTION:** Motion made by Commissioner Brandrup, seconded by Commissioner De La Cruz
AND UNANIMOUSLY CARRIED TO DELETE ITEM 4.

Motion passed.

PUBLIC HEARING Street Vacation:

5. **SURW11-00002:** Crinco Lane Street Vacation – Being all of Crinco Lane within Barnett Harley-Davidson Subdivision and Loma Terrace Addition No. Four-D, City of El Paso, El Paso County, Texas
- Location: East of Lomaland Drive and North of Burnham Road
- Property Owner: City of El Paso
- Representative: Roe Engineering, LC
- District: 7
- Staff Contact: Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

Mr. Bass gave a PowerPoint presentation and explained the applicant is requesting to vacate Crinco Lane in its entirety. The abutting properties to the east and to the west have been acquired by the owner of the Barnett Harley-Davidson Subdivision. The applicant states that the purpose of the street vacation is to help better control traffic and security to the sites. Planning Staff and the DCC (Development Coordinating Committee) recommend approval.

Mr. Bradley Roe, Roe Engineering, LC, representing the applicant, concurred with Staff comments. He stated the paving, curbing, utilities and drainage patterns will not be altered.

There was no one present to speak in favor or in opposition to the request.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Landeros
AND UNANIMOUSLY CARRIED TO APPROVE.

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed.

PUBLIC HEARING Rezoning Applications:

6. **ZON10-00106:** Parcel 1: Portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas
Parcel 2: A portion of Section 37, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas
Parcel 3: A portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas
Location: North of Pebble Hills Boulevard and East of John Hayes Boulevard
Zoning: R-F (Annexation in Process)
Request: Parcel 1: From R-F (Ranch and Farm) to C-2 (Commercial)
Parcel 2: From R-F (Ranch and Farm) to R-5 (Residential)
Parcel 3: From R-F (Ranch and Farm) to C-2 (Commercial)
Existing Use: Vacant
Proposed Use: Single-family dwellings/General Commercial
Property Owner: Ranchos Real IV, LTD
Representative: Conde Inc.
District: ETJ/Adjacent to District 5
Staff Contact: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

Mr. Rubio gave a PowerPoint presentation and explained the rezoning request is related to annexation AN10-003 (approved May 19, 2011 by the CPC); additionally, the property is part of the Tierra Del Este Phase III Land Study (approved October, 2010 by the CPC). Department of Transportation Staff has no objections to the rezoning as the proposed zoning is in conformance with the approved TIA (Traffic Impact Analysis) and Land Study. Planning Staff and the DCC (Development Coordinating Committee) recommend approval.

Commissioner De La Cruz understood Commissioners did not have authority on zoning in the ETJ.

Ms. Cuellar agreed Commissioners do not have authority over zoning cases in the ETJ. She commented on provisions in Development Agreements as they relate to annexation and rezoning cases.

Per the PowerPoint presentation, Mr. Rubio highlighted the residential, commercial, park, school and ponding areas for Commissioners Carreto and De La Cruz.

Commissioner Carreto was concerned Commissioners were giving blanket approval for R-5 zoning on such a large quantity of acreage.

Acting Chair Nance asked if the property would be developed SmartCode.

Mr. Etiwe responded Staff is following the approved Development Agreement and Land Study to annex this property.

Ms. Cuellar explained the Development Agreement should have progressed to the point where Council might approve/not approve the rezoning and/or Development Agreement simultaneously. Commissioners may make recommendation(s) for Council to consider; however, Commissioners must also consider what impact the recommendation(s) may have.

Mr. Conrad Conde, Conde, Inc., concurred with Staff comments and thanked Staff for their assistance. Mr. Conde noted this Development Agreement was approved in 2005; there were three phases of that Development Agreement, this is the last piece. Additionally he did not incorporate SmartCode for this property; however, he did incorporate many SmartGrowth principles.

There was no one present to speak in favor or in opposition to the request.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner De La Cruz **AND UNANIMOUSLY CARRIED TO APPROVE.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed.

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7. **ZON10-00110:** Tract 26 and south half of Tract 25, Rangers Rest Subdivision,
City of El Paso, El Paso County, Texas
Location: 1025 and 1029 Ranger Street
Zoning: R-4 (Residential)
Request: From R-4 (Residential) to S-D (Special Development)
Existing Use: Vacant
Proposed Use: Retail and Office
Property Owner: Alfredo Rodarte
Representative: Spectrum Engineering, c/o Salvador Nunez, P.E.
District: 7
Staff Contact: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Mr. Salloum noted the applicant and/or representative were not present at this time.

MOTION:

Motion made by Commissioner Carreto, seconded by Commissioner Wright **AND CARRIED TO MOVE THE ITEM NUMBER 7 TO THE END OF THE AGENDA.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, and Vorba

NAY: Commissioner Landeos

ABSENT: Commissioners Vandivort and Borden

Motion passed. (5-1)

MOTION:

Motion made by Commissioner Wright, seconded by Commissioner Carreto **AND UNANIMOUSLY CARRIED TO RECONSIDER ITEM NUMBER 7.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed.

Mr. Salloum gave a PowerPoint presentation and explained the property in question is located at 1025 and 1029 Ranger Street and is 0.3719 acres in size. The applicant is requesting to rezone the property from R-4 (Residential) to S-D (Special Development) in order to allow for retail and office building. The proposed access is from Sandhill Court. The 2025 Projected Land Use Map for Mission Valley designates the property as commercial use. The S-D (Special Development) District requires approval of a detailed site development plan prior to issuance of building permits. The plan submitted is conceptual. Staff received two letters opposing the request; complaints regarded narrow streets for traffic and the dead end, increase in traffic and the demand for additional parking on the street. Planning Staff and the DCC (Development Coordinating Committee) recommend approval.

Mr. Sal Nunez, engineer, representing the applicant, explained his client is a very successful photographer; the proposed construction will be for a photography studio.

Commissioner Landeros referred to Department of Transportation Staff comment *"Recommendation that building be moved to the front of property to improve access."* Commissioner Landeros thought moving the building forward would assist his client visually.

Mr. Nunez responded he had proposed nine options to his client.

Given the narrow streets and the concerns of the residents, Commissioner Landers asked Department of Transportation Staff, if it would be possible to limit access to the property off of Sandhill Drive.

Ms. Michelle Padilla, Department of Transportation, responded based on the size of the property it would not generate enough traffic to raise major concerns. The Staff recommendation is based on the conceptual plan. At the time of development, the applicant will be required to bring all paths of travel into compliance; ADA and Design Standards for construction.

Mr. Etiwe explained Staff worked with the representative for many months trying to get the building moved to the rear, to no avail. He reminded Commissioners this is a rezoning request.

Commissioner Brandrup commented on the Landscape Ordinance, sidewalk and moving the building forward, she felt the ordinance would greatly benefit the structure and property.

Mr. Mario Torres, property owner 1029 N Zaragoza (small shopping center), spoke in opposition to the request.

Staff noted Sandhill Court is paved.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Vorba **AND UNANIMOUSLY CARRIED TO APPROVE AS SHOWN IN THE PLOT PLAN.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed.

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8.	PZRZ11-00009:	Lot 8, Block 3, Hueco View Acres, City of El Paso, El Paso, County, Texas
	Location:	11400 Turner Road
	Zoning:	R-3 (Residential)
	Request:	From R-3 (Residential) to A-O (Apartment-Office)
	Existing Use:	Vacant
	Proposed Use:	Self-storage facility
	Property Owner:	Dominguez Properties, LTD
	Representative:	Orlando Mena
	District:	5
	Staff Contact:	Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Mr. Salloum gave a PowerPoint presentation and noted Staff received two phone calls, one letter, and a petition with eight signatures opposing the proposed rezoning. Staff and the DCC (Development Coordinating Committee) recommend approval.

Ms. Cuellar clarified the Plan for El Paso designates the property Residential not Apartment-Office.

Mr. Orlando Mena, realtor and representative, was present.

Mr. Andy Dominguez, property owner, stated he had walked around the neighborhood and met with neighbors to discuss and answer any questions they had regarding the proposed self-storage facility. He explained there will be a buffer zone; additionally, traffic would be very limited as individuals may be accessing items from their storage facilities possibly once every three months.

Mr. Etiwe clarified the Comprehensive Plan does designate the area as Residential; however, the zoning map shows the area in transition. Staff did consider the Comprehensive Plan and uses within the neighborhood and felt A-O zoning would be compatible.

Commissioner De La Cruz asked if the property owner would be willing to raise the rock wall, at the rear of the property abutting the residential, to eight feet.

Mr. Dominguez responded he would raise the rock wall to eight feet. He noted the buffer zone would minimize any noise, traffic or otherwise.

There was no one present to speak in favor or in opposition to the request.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Wright **AND CARRIED TO APPROVE SUBJECT TO EXTENDING THE EXISTING ROCK WALL, IN THE REAR OF THIS PROPERTY, TO EIGHT FEET.**

AYES: Commissioners De La Cruz, Wright, Carreto, Vorba and Landeros

NAY: Commissioner Brandrup

ABSENT: Commissioners Vandivort and Borden

Motion passed. (5-1)

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9.	PZRZ11-00016	Tract 1, Block 6, Christy Tract, City of El Paso, El Paso County, Texas
	Location:	577 Schwabe Street
	Zoning:	R-F (Ranch & Farm)
	Request:	From R-F (Ranch & Farm) to R-3 (Residential)
	Existing Use:	Vacant
	Proposed Use:	Single-family home
	Property Owners:	Gilbert Melendez and Jazmin Marquez
	Representative:	Gilbert Melendez
	District:	7
	Staff Contact:	Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Ms. Guerrero gave a PowerPoint presentation and explained the request is to change the zoning from R-F (Ranch & Farm) to R-3 (Residential) to allow a single-family structure. The R-F (Ranch & Farm) zoning district requires a minimum lot area of one acre for a single-family dwelling. The conceptual site plan shows a proposed 2,400 square foot dwelling. Planning Staff and the DCC (Development Coordinating Committee) recommend approval.

Mr. Gilbert Melendez, property owner, concurred with Staff comments.

There was no one present to speak in favor or in opposition to the request.

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner Vorba **AND UNANIMOUSLY CARRIED TO APPROVE.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed.

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10. **PZRZ11-00018:** A portion of Tract 19, of El Canutillo Acreage Tracts, City of El Paso, El Paso County, Texas

 Location: 6600 Doniphan Drive

 Zoning: R-3 (Residential)

 Request: From R-3 (Residential) to C-2 (Commercial)

 Existing Use: Vacant

 Proposed Use: Self-storage facility and office warehouse

 Property Owners: Mr. and Mrs. Daniel Lee McCulley

 Representative: Roe Engineering, LC

 District: 1

 Staff Contact: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Prior to the PowerPoint presentation, Mr. Salloum revised the Staff Report information:

1. page 1, revise Proposed Use from Self-storage facility and office warehouse to Self-storage facility only; and
2. page 2, the Department of Transportation Staff will revise their comments following Mr. Salloum's presentation

Additionally, the applicant has changed his rezoning application to reflect "Self-storage facility" as the "Proposed Land Use".

Mr. Salloum gave a PowerPoint presentation and noted the 2025 Projected Land Use map for the Northwest Planning Area designates the property for both Commercial and Residential use. The request is compatible with the Comprehensive Plan; furthermore, the area is in transition to light commercial zone. The conceptual plan shows a self-storage facility. Planning Staff did not receive any letters, phone calls, and/or emails in support of or in opposition to the request. Planning Staff and the DCC (Development Coordinating Committee) recommend approval.

Ms. Michelle Padilla, Department of Transportation, explained the TIA (Traffic Impact Analysis) was no longer required due to the applicant changing the proposed land use to self-storage facility; additionally, per Title 19, the applicant no longer meets the threshold requirements for a TIA to be submitted.

Commissioner Wright noted Commissioners were not approving the conceptual site plan; however, he wondered if the number of parking spaces for a self-storage facility was unusual. He noted that with the parking spaces in the front, based on current zoning, the self-storage facility is located in the residential portion of the land.

Mr. Etiwe concurred the conceptual plan is based on current zoning; additionally, self-storage facilities are one of the allowed uses in C-2 zoned districts. There are no restrictions and/or covenants on this property restricting the use to self-storage facility. Furthermore, this corridor has been in transition for many years.

Acting Chair Nance clarified, if approved, the applicant can put anything allowed in C-2 zoned districts next to the residential.

Mr. Bradley Roe, Roe Engineering, LC, concurred with Staff comments and explained the proposed property was not affected during Storm 2006. As far as drainage, he intends to have on-site ponding, as shown on the drawing. For clarification, Mr. Roe explained, he was instructed to coordinate with Department of Transportation Staff; DOT Staff stated if the request is for a self-storage facility a TIA is not required.

FOR THE RECORD

Mr. Roe stated, for the record, should the land use change to something other than a self-storage facility he will submit a TIA. He acknowledged and agreed with DOT Staff instructions.

Ms. Cuellar reiterated should Commissioners approve the C-2 rezoning request any use allowed under C-2 zoning, will be permitted.

Ms. Padilla clarified DOT Staff followed the requirements per Title 19 regarding the land use specified on the application and whether or not a TIA is required. Regarding proposed commercial use, DOT Staff typically uses the retail use, e.g. shopping centers, to determine whether or not a TIA is required. Ms. Padilla stated the property is located within Canutillo Acreage; Canutillo Acreage is considered a subdivision. Staff can request a TIA when either of the following applications are submitted:

1. land study;
2. plat; or
3. zoning

Mr. Roe stated he would install a deceleration lane should DOT Staff determine one is required. He added the property is located within the City of El Paso and part of a platted subdivision; however, the property owner cannot do what he wants to do under the current zoning.

Mr. Art Rubio believed the property was subdivided sometime in the 1940's.

Ms. Cuellar commented on sections in Title 19 and Title 20 regarding Traffic Impact Analysis. She explained Commissioners must determine:

1. Whether or not there is satisfactory infrastructure to support C-2 zoning?
2. if Commissioners determine there is insufficient infrastructure to support the rezoning, Commissioners can:
 - a. deny the request; or
 - b. request a detailed site development plan be submitted prior to the issuance of building permits

Additionally, Ms. Cuellar explained, if there is a possibility that any potential C-2 use requires the applicant to construct some type of traffic mitigating measures; Ms. Cuellar recommends Commissioners place a condition on the rezoning that a detailed site plan be submitted. Additionally, if any traffic mitigating measures are necessary, that they be provided by the applicant prior to the issuance of any building permits.

Ms. Padilla clarified Title 19 states in order to determine whether or not traffic mitigating measures are required and what type of mitigation that would be; Staff requires a TIA be submitted at either the land study, plat or rezoning stages.

Mr. Roe did not believe a TIA was necessary. He explained he has done everything he was asked to do and concurs with Staff comments; additionally, the project is compatible with the use plan. For the record, Mr. Roe stated, if a deceleration lane was required, which is what the TIA would tell you, he would install one.

Ms. Cuellar disagreed with Staff's interpretation that, at this point in time, you make a determination whether or not a TIA is required based on one specific use. She referred to a separate provision in Title 20 and requiring a TIA at this stage.

Ms. Padilla interjected, based on Ms. Cuellar's interpretation; DOT Staff requires the TIA be submitted.

There was no one present to speak in favor or in opposition to the request.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Landeros
**AND CARRIED TO APPROVE C-2 WITH NO TRAFFIC IMPACT ANALYSIS OR
DECELERATION LANE.**

AYES: Commissioners De La Cruz, Wright, Carreto, Vorba and Landeros

NAY: Commissioner Brandrup

ABSENT: Commissioners Vandivort and Borden

Motion passed. (5-1)

Acting Chair Nance noted there were a number of individuals wishing to speak in opposition to the rezoning request. He will allow each speaker two minutes.

PUBLIC HEARING Special Permit Applications:

11. **PZST11-00003:** Tract 12B, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas
Location: 4051 Emory Road
Zoning: R-3 (Residential)
Request: Infill Development
Existing Use: Single-family structure, vacant
Proposed Use: Three single-family residential lots
Property Owner: Jaime Holguin
Representative: Dorado Engineering
District: 8
Staff Contact: Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Ms. Guerrero gave a PowerPoint presentation and explained the property is 0.8 acres in size with an existing single-family structure on the lot. The existing single-family structure will be demolished. The site plan shows the proposal of three single-family residential lots with a private access and utility easement with proposed access from Emory Way. *The middle lot is 5, 996 square feet and does not meet the required lot area, 6,000 square feet, for R-3 zone. The other two lots meet the minimum R-3 zone requirements.* The applicant is requesting a special permit and detailed site development plan review for an infill development to allow a private access and utility easement/lane. Private access easements/lanes may be allowed with the designation as Infill Development per Title 19.26.3, Reduced Roadway Requirements. In order for the applicant to request a private access easement/lane, a zoning designation for Infill Development must be approved by City Council prior to the submittal and approval of a subdivision plat. On February 1, 2011, the City Council approved to waive the requirement that an application for infill development meet two criteria as stated in Section 20.18.820 when only one factor is met, prior to the submission of a special use permit application. Planning Staff and the DCC (Development Coordinating Committee) recommend approval. Ms. Guerrero received three emails and a petition with eight signatures in opposition of the request

Commissioner Landeros wondered what the lot sizes for the lots northwest on Frontera Road were.

Ms. Guerrero responded approximately ¼ of an acre; additionally, some of the lots only just met the R-3 zoned criteria. She explained, in February Council approved one of the two infill development criteria; that being the city (as a whole) is an enterprise zone, to allow the applicant to proceed with the infill development for a special permit. To proceed with a subdivision plat, as an alternative design standard, Council must approve the actual infill development.

Commissioner Wright surmised except for the length, 400 feet, for the utility easement and the four feet less the required 6,000 square feet, the applicant would not need the special permit.

Ms. Guerrero explained the applicant could not have the private driveway without the infill development. Furthermore, the length of the road exceeds the requirement as stated in Title 19, unless the applicant submits an application under the alternative design standard.

Commissioner Carreto understood infill development was intended for undeveloped lots that do not meet today's zoning standards. To be considered infill development the applicant must:

1. maintain the flow of the neighborhood; or
2. develop something similar to the existing neighborhood;

Ms. Guerrero responded, in this case, due to the large lot size (depth), the applicant could construct structures toward the rear of the property. Additionally, infill development allows for reductions in lot size, consistency with massing and design of abutting structures, etc.

Commissioner Carreto was concerned that this is an existing neighborhood with a particular characteristic; large homes with land surrounding them. She felt that moving away from the existing look was not the correct use of this zoning.

Ms. Cuellar read the design standards for infill development into the record.

Acting Chair Nance noted the proposed property fronts Emory Road; additionally, the preponderance of lots fronting Emory Road are one acre lots with one home on them.

Commissioner Brandrup added, per the design standards, the homes fronting Emory Road maintain the line of the building façades along Emory, something to be considered. However, the setback, for the first of the three proposed homes, will be so deep that the existing building edge would be spoiled.

Mr. Fermin Dorado, Dorado Engineering, representing the applicant, noted the property is currently zoned R-3. He stated the applicant was requesting approval to subdivide the lot and, due to the road, infill development. At the time the property is platted, Mr. Dorado would ensure the proposed structures would be 6,000 square feet.

The following members of the public spoke in opposition to the request:

1. Mr. Adam Romero, 210 Frontera, strongly opposed the application.
2. Mr. Anthony Cobos, concerned resident, his property abuts the rear of the proposed property. He explained the spirit of the infill ordinance was to allow infill in dilapidated areas of the city where current setbacks would not permit development. He noted the proposed property has irrigation rights. He asked Commissioners to please vote against the request.
3. Ms. Darlene Rogers, resides adjacent to Mr. Cobos, stated she has lived in her home for 40 years. She is very much against this.
4. Mr. Michael Slavik explained he has lived in this area since 1983, he owns the home to the right and the two homes right across the street from the proposed property. He was totally against this.

Mr. Eugenio Mesta, architect, spoke in favor of the request.

Commissioner De La Cruz and Mr. Cobos discussed the intent of the infill development ordinance. As a former City Council Representative, Mr. Cobos explained, the spirit of the infill ordinance was to target vacant lots in Central El Paso and dilapidated properties in the core of El Paso. The lots were not being developed due to the setback requirements. He felt residents should be made aware when infill development applicants are going to waive at least two of the requirements.

Ms. Cuellar read the criteria for infill development into the record. The code states applicants must meet two of the five criteria.

Commissioner Carreto explained she was part of the discussion for the infill development ordinance. The purpose of the ordinance was to develop mostly inner-city lots that could not be developed due to the setback requirements, etc.

Commissioner De La Cruz asked Staff what is considered "inner city".

Ms. Cuellar referred to the criteria for infill development as amended in 2007.

Commissioner Landeros stated the only reason the request is before the Commission was because of the 300 foot road, 200 foot road would be allowed in a panhandle lot as explained by Mr. Dorado. Because of the design, as Mr. Etiwe mentioned, the applicant has to do an alternative design method; that's the only reason the applicant is looking for infill designation. They're not looking to circumvent anything, as stated by Mr. Cobos. Commissioner Landeros did not think this was a misuse of infill development. I agree with Commissioner De La Cruz pointing out where do you designate, what's appropriate, why don't we see this kind of objection from anyone saying you're misusing the ordinance when it's in the urban core; traditionally impoverished neighborhoods. Commissioner Landeros felt this was a socioeconomic issue.

ACTION: Motion made by Commissioner Carreto, seconded by Commissioner Brandrup **TO DENY.**

AYES: Commissioners Wright, Carreto, and Brandrup, Acting Chair Nance

NAY: Commissioners De La Cruz, Vorba, and Landeros

ABSENT: Commissioners Vandivort and Borden

To break the tie, Acting Chair Nance voted aye.

Motion passed. (4-3)

AFTER THE VOTE:

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner De La Cruz **AND UNANIMOUSLY CARRIED TO FILE A MINORITY REPORT TO BE SUBMITTED TO CITY COUNCIL.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed. (6-0)

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12. **PZST11-00006:** All of the North ½ of Lots 14, 15, and 16, Block 57, Supplemental Map No. 1, East El Paso Addition, City of El Paso, El Paso County, Texas
- Location: 3620 E. Missouri Avenue
Zoning: C-2 (Commercial)
Request: Infill Development with Reduced Setbacks and Parking Reduction
Existing Use: Restaurant
Proposed Use: Restaurant
Property Owner: Leopoldo Duran
Representative: Jesus Ortega
District: 8
Staff Contact: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Mr. Salloum gave a PowerPoint presentation and explained the property is 0.12 acres in size. The applicant is requesting a special permit for a 100% parking reduction and infill development for the following reduced setbacks: from the required 20-foot front yard setback to 0 foot, from the required 20-foot rear yard setback to 0 foot and from the required 10-foot side street yard setback to 0 foot. The site plan shows a new 620 square foot addition to an existing restaurant and bar. The development requires six parking spaces and the applicant is requesting a 100% parking reduction. The Department of Transportation reviewed the parking study and found that the available on-street parking satisfies the parking needs for the new addition. Planning Staff and the DCC (Development Coordinating Committee) recommend approval. Staff received one letter in support of the proposed expansion. Additionally, several property owners came to the Planning Department to express their opposition to the special permit request. Property owners requested the proposed addition be relocated toward the street to allow for additional parking and that the applicant retain their water on their own property.

Mr. Eugenio Mesta, architect, representing the applicant, concurred with Staff comments.

Commissioner Wright wondered why only six parking spaces for the proposed addition.

Mr. Mesta explained the proposed second floor addition will be for offices; additionally, the restaurant is landlocked. He added the restaurant/bar will not be closed during the construction.

The following members of the public spoke in favor of the proposed request:

1. Mr. Larry Romero, business owner and past President of the Five Points Development Association, stated the Board of Directors voted unanimously to support the L&J and what they are trying to do.
2. Ms. Addie Haverfield, resident of the L&J for 40 years, was in agreement with improving the L&J Café. She does eat there.

Mr. Ricardo Gonzalez, abutting property owner to the south, recognized that the L&J is a landmark, is it part of El Paso's history and could probably be categorized as a community treasure. Mr. Gonzalez opposed:

1. Building a second story tower. He felt the second story would change the character of the building. He explained the restaurant/bar covers ½ of the space of the lot, he asked Commissioners, rather than building up, request the applicant build the proposed addition on the open space of the lot.
2. He commented on the horrendous shortage of parking and asked Commissioners to not allow the parking reduction, in any degree. He commented on shared parking agreements.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner De La Cruz **AND UNANIMOUSLY CARRIED TO APPROVE.**

AYES: Commissioners De La Cruz, Wright, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort and Borden

Motion passed.
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Prior to the discussion, Commissioner Wright left the meeting at 3:40 p.m.

Other Business - Reconsideration:

13. Discussion and action on the City Plan Commission minutes of:
May 5, 2011

MOTION:

Motion made by Commissioner De La Cruz, seconded by Commissioner Carreto **AND UNANIMOUSLY CARRIED TO RECONSIDER THE MAY 5, 2011 MINUTES.**

AYES: Commissioners De La Cruz, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort, Borden and Wright

Motion passed.

MOTION:

Motion made by Commissioner De La Cruz, seconded by Commissioner Carreto **AND UNANIMOUSLY CARRIED TO APPROVE.**

AYES: Commissioners De La Cruz, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort, Borden and Wright

Motion passed.
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Other Business:

14. Discussion and action on an Ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by the El Paso City Council in 1999, and as subsequently amended, to add Plexxar as a north-south collector arterial with bike lanes, connecting the extensions of La Mesa Avenue and Hoover Avenue, across Trans Mountain Road, east of Resler Drive and west of the extension of Paseo del Norte Road.
Staff Contact: Todd Taylor, (915) 541-4114, taylortc@elpasotexas.gov

Mr. Taylor gave a PowerPoint presentation and explained this is a city initiated request to amend the Major Thoroughfare Plan to add Plexxar Road as a collector arterial with bike lanes. No objections from the El Paso Metropolitan Planning Organization or Texas Department of Transportation at the Transportation Group meeting; however, the Open Space Advisory Board is recommending denial of the amendment unless Paseo Del Norte is deleted from the Major Thoroughfare Plan. Staff is recommending approval.

Ms. Cuellar explained Commissioners are making a recommendation to City Council to amend the Major Thoroughfare Plan.

Commissioner Carreto asked Staff to explain the Open Space Advisory Board objection.

Per the PowerPoint presentation map, Mr. Taylor located Paseo Del Norte for Commissioner Carreto.

There was no one present to speak in favor or opposition to the request.

MOTION:

Motion made by Commissioner Vorba, seconded by Commissioner Landeros **AND UNANIMOUSLY CARRIED TO APPROVE.**

AYES: Commissioners De La Cruz, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort, Borden and Wright

Motion passed.

15. Discussion and action on an Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), Chapter 20.10 (Supplemental Use Regulations), Appendix A (Table of Permissible Uses) and Table C (Minimum Parking) of the El Paso City Code to add a definition for Boarding Home Facilities and add standards for Boarding Home Facilities and amend definitions for certain personal care facilities and clarify standards for personal care facilities. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Staff Contact: Kimberly Forsyth, (915)-541-4668, forsythkl@elpasotexas.gov

Mr. Rubio gave a PowerPoint presentation and brief background information per State regulations regarding the regulation of Boarding Homes. He reiterated changes to Title 20 pertain to parking, special permits, rezoning requests, etc., as they relate to Boarding Homes. *He emphasized Boarding Homes do not provide personal care.*

Ms. Cuellar explained the bulk of the city code changes affect Title 5. In 2009 the State code changed which allows, not requires, cities to adopt regulations on Boarding Home facilities. The Legislative Review Committee asked that the city adopt the State regulations for Boarding Homes; therefore, Staff amended Title 5 to incorporate the State regulations. Regarding Title 20, Ms. Cuellar explained, the code amendments relate to Boarding Homes and the services they provide. Should the city adopt regulations to regulate Boarding Homes under Title 5, by law, Boarding Homes will be allowed in any residential district.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Carreto **AND UNANIMOUSLY CARRIED TO APPROVE.**

AYES: Commissioners De La Cruz, Carreto, Brandrup, Vorba and Landeros

ABSENT: Commissioners Vandivort, Borden and Wright

Motion passed.

16. Planning Report:
N/A

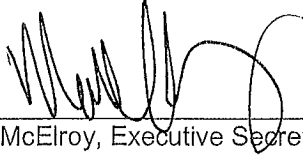
17. Legal Report:
N/A

ADJOURNMENT:

MOTION:

Motion made by Commissioner Landeros, seconded by Commissioner De La Cruz **AND UNANIMOUSLY CARRIED TO ADJOURN AT 4:05 P.M.**

Approved as to form:

A handwritten signature in black ink, appearing to read 'Mathew McElroy', is written over a horizontal line.

Mathew McElroy, Executive Secretary, City Plan Commission